

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TINA SOHN

Plaintiff,

v.

**MORGAN STANLEY DW, INC., CARL
CHAPUT AND BEN FIRESTEIN.
Defendants.**

**Civil Action No.
04-12348-MLW**

**DEFENDANTS'
LOCAL RULE 16.1(D)(3) CERTIFICATION**

Pursuant to United States District Court for the District of Massachusetts Local Rule 16.1(D)(3), Morgan Stanley DW, Inc., Carl Chaput and Ben Firestein (hereinafter "Defendants") and their counsel, hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course and various alternative courses of this litigation. In addition, defendants and their counsel have conferred to consider the resolution of this litigation through the use of alternative dispute resolution programs. Defendants will be prepared to respond to whether they will agree to attempt to resolve this litigation by such a program at the Joint Scheduling Conference.

Respectfully submitted,

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/s/ Carole Hoffman
Carole Hoffman
Vice President Law Department

Ben Firestein
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/s/ Ben Firestein
Ben Firestein

Carl Chaput
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/s/ Carl Chaput
Carl Chaput

and their attorneys,

/s/ Corinne L. Hood

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Certificate of Service

I hereby certify that a copy of the foregoing document was served upon Jeffrey C. Mc.Lucas, Esq., McLucas & West. P.C., 141 Tremont Street, Boston, MA 02111 by electronic filing this 28th day of January 2005.

/s/ Corinne Hood